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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CHRISTOPHER WAGNER, an
individual,

Plaintiff,

v.

DIGITAL PUBLISHING
CORPORATION, a Delaware corporation,
et al.

Defendants.

No. 13-cv-04952-WHA

**DECLARATION OF LEEOR NETA IN
SUPPORT OF NOTICE OF
SUPPLEMENTAL AUTHORITY IN
OPPOSITION TO PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT (DKT. 13)**

The Honorable William A. Alsup

Hearing Date: March 6, 2014

Time: 8:00 a.m.

Location: Courtroom 8 - 19th Floor

I, Leeor Neta, do declare and attest as follows:

1. I am an attorney with Newman Du Wors LLP, counsel for Defendants. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. Attorneys for Plaintiff Christopher Wagner filed a near word-for-word copy of the pending motion for partial summary judgment (Dkt. 13) in another matter involving

1 identical legal issues: *XL Marketing Corp. et al. v. Kirby*, No. 4:11-cv-05107 (N.D. Cal. Jan.
2 15, 2014) (Hamilton, J.). A true and correct copy of the near-identical motion is attached
3 hereto as **Exhibit A**.

4
5 I declare under penalty of perjury that the foregoing is true and correct.

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7 Executed in San Francisco, California on February 10, 2014.

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11 _____
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